

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CAMBRIDGE PLACE INVESTMENT
MANAGEMENT INC.,

Plaintiff,

v.

MORGAN STANLEY & CO., INC., *et al.*,

Defendants.

Case No. 1:10-cv-11376-NMG

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTIONS TO FILE REPLIES TO
PLAINTIFF'S OPPOSITIONS TO DEFENDANTS' JOINT OBJECTIONS TO CHIEF
MAGISTRATE JUDGE DEIN'S REPORTS AND RECOMMENDATIONS (A)
GRANTING PLAINTIFF'S MOTION TO REMAND AND (B) DENYING
DEFENDANTS' MOTION FOR LEAVE TO TAKE JURISDICTIONAL DISCOVERY**

Plaintiff respectfully opposes Defendants' motions to file two five-page reply briefs in further support of their objections to Chief Magistrate Judge Dein's Reports and Recommendations (a) granting Plaintiff's motion to remand and (b) denying Defendants' motion for leave to take jurisdictional discovery (ECF Nos. 215 & 216). Defendants' motions should be denied because both motions have been exhaustively briefed before both this Court and Judge Dein, and no further briefing is warranted.

Plaintiff moved to remand this action on September 13, 2010. Defendants moved for leave to take jurisdictional discovery on October 18, 2010. These motions were fully briefed and then argued in a two-hour hearing before Chief Magistrate Judge Dein on November 15, 2010. Following the issuance of the Reports and Recommendations, Defendants filed objections totaling 40 pages of text on January 18, 2011. On February 1, 2011, Plaintiff responded to the Defendants' objections, raising no new issues of law or fact outside the scope of the objections. Indeed, in their motion for leave to file reply briefs, Defendants fail to identify any points of law or fact in Plaintiff's responses that are outside the scope of Defendants' objections or not otherwise part of the record. This Court already has before it over 170 pages of briefs, numerous documentary exhibits, and the November 15, 2010 hearing transcript. Plaintiff respectfully requests that the Court deny Defendants' motions for still more briefing and decide Defendants' objections based on the thorough existing record in this action.

Dated: February 4, 2011

**CAMBRIDGE PLACE INVESTMENT
MANAGEMENT INC.**

By its attorneys,

/s/ David R. Stickney

David R. Stickney (admitted pro hac vice)

Timothy A. DeLange (admitted pro hac vice)

Matthew P. Jubenville (admitted pro hac vice)

Takeo A. Kellar (admitted pro hac vice)

BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP
12481 High Bluff Drive, Suite 300
San Diego, CA 92130
Tel: (858) 793-0070
Fax: (858) 793-0323
davids@blbglaw.com
timothyd@blbglaw.com
matthewj@blbglaw.com
takeok@blbglaw.com

-and-

Gerald H. Silk (admitted pro hac vice)
David L. Wales (admitted pro hac vice)
Jai Chandrasekhar (admitted pro hac vice)
Lauren A. McMillen (admitted pro hac vice)
BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP
1285 Avenue of the Americas, 38th Floor
New York, NY 10019
Tel: (212) 554-1400
Fax: (212) 554-1444
jerry@blbglaw.com
dwales@blbglaw.com
jai@blbglaw.com
lauren@blbglaw.com

-and-

T. Christopher Donnelly
(BBO # 129930)
Michael S. D'Orsi
(BBO # 566960)
DONNELLY, CONROY & GELHAAR, LLP
One Beacon Street, 33d Floor
Boston, MA 02108
Tel: (617) 720-2880
Fax: (617) 720-3554
tcd@dcglaw.com
msd@dcglaw.com

Counsel for Plaintiff Cambridge Place
Investment Management Inc.

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on February 4, 2011.

/s/ David R. Stickney

DAVID R. STICKNEY